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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,231	05/23/2000	Lundy Lewis	APB-021	3634
959	7590	03/11/2005	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			ENGLAND, DAVID E	
			ART UNIT	PAPER NUMBER
			2143	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/577,231

Applicant(s)

LEWIS, LUNDY

Examiner

David E. England

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 4 and 13 - 62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4 and 13 - 62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 4 and 13 – 62 are presented for examination.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4, 13 – 17, 19 – 35, 37 – 53 and 55 – 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yemini et al. (6249755) (hereinafter Yemini) in view of Bhoj et al. (6304892) (hereinafter Bhoj).

4. Referencing claim 27, as closely interpreted by the Examiner, Yemini teaches a system for monitoring a service supporting a business process under service level management in association with a service level management domain, the service level management domain including an enterprise management system comprising an interface configured to communicate with at least one of a network management system, a system management system, an application management system and a traffic management system, the business process being performable in connection with a portion of a network, the system comprising:

5. a mapping mechanism for associating a component of the network to the service supporting the business process, (e.g. col. 2, lines 4 – 46);

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6. a monitoring mechanism for monitoring a parameter of the associated network component, the parameter indicating an operational characteristic of the network component, (e.g. col. 2, lines 4 – 46); and
7. a reasoning mechanism for determining a condition of the service from the parameter of the monitored network component, (e.g. col. 1, lines 24 – 64); and
8. a service monitoring mechanism for monitoring the condition of the service supporting the business process to provide service level management of the business process, (e.g. col. 2, lines 4 – 46).
9. Yemini does not specifically teach a mapping mechanism for associating a component of the network to the service supporting the business process under service level management in association with the service level management domain.
10. Bhoj teaches a system for monitoring a service supporting a business process under service level management in association with a service level management domain, the service level management domain including an enterprise management system comprising an interface configured to communicate with at least one of a network management system, a system management system, an application management system and a traffic management system, the business process being performable in connection with a portion of a network, the system comprising:
  11. a mapping mechanism for associating a component of the network to the service supporting the business process under service level management in association with the service level management domain, (e.g. col. 3, line 62 – col. 4, line 11 & col. 8, lines 3 – 20). It would have been obvious to one of ordinary skill in the art, at the time the invention was conceived, to

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combine Bhoj with Yemini because it allows management of the services of the entire data access network system (or part of it) without any one domain having complete access to each of the data service systems of the data access network system. This also allows the data service systems to exchange information about how a service provider is complying with its service level agreements with its customer, outsourcer, or partner. In addition, the arrangement enables the customers of the data access network system to monitor and verify the delivered services against the guarantees offered by their service providers without having complete access to the service provider's system.

12. Referencing claim 28, as closely interpreted by the Examiner, Yemini teaches the mapping mechanism associates a parameter of the service with the parameter of the associated network component, the service parameter comprising a variable having a state which represents an operational characteristic of the service provided by the network, (e.g. col. 2, lines 4 – 46).

13. Referencing claim 29, as closely interpreted by the Examiner, Yemini teaches a value for the service parameter is determined from a value of the parameter of the associated network component, (e.g. col. 8, lines 17 – 67).

14. Referencing claim 30, as closely interpreted by the Examiner, Yemini teaches the reasoning mechanism comprises a rule-based reasoning system for determining the condition of the service teaches, (e.g. col. 2, line 47 – col. 3, line 50).

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15. Referencing claim 31, as closely interpreted by the Examiner, Yemini teaches the reasoning mechanism comprises a model-based reasoning system for determining the condition of the service, (e.g. col. 5, lines 42 – 64).

16. Referencing claim 32, as closely interpreted by the Examiner, Yemini teaches the reasoning mechanism comprises a case-based reasoning system for determining the condition of the service, (e.g. col. 3, line 51 – col. 4, line 27).

17. Referencing claim 33, as closely interpreted by the Examiner, Yemini the reasoning mechanism comprises a state-transition graph reasoning system for determining the condition of the service, (e.g. col. 12, line 54 – col. 13, line 7, “*causality graph*”).

18. Referencing claim 34, as closely interpreted by the Examiner, Yemini teaches the reasoning mechanism comprises a codebook reasoning system for determining the condition of the service, (e.g. col. 9, lines 1 – 30).

19. Referencing claim 35, as closely interpreted by the Examiner, Yemini teaches the reasoning mechanism determines the condition of the service from a mathematical simulation of the service, (e.g. col. 24, line 29 – col. 25, line 8).

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20. Referencing claim 40, as closely interpreted by the Examiner, Yemini teaches the operation invokes a query to a database to determine the operational characteristic of the network component, (e.g. col. 7, lines 9 – 60).

21. Referencing claim 41, as closely interpreted by the Examiner, Yemini teaches the operation invokes a second reasoning mechanism to determine the operational characteristic of the service, (e.g. col.12, line 54 – col. 13, line 7 & col. 16, line 53 – col. 17, line 40).

22. Referencing claim 42, as closely interpreted by the Examiner, Yemini teaches the operation invokes an inspection of the operational characteristic of the network component, (e.g. col.12, line 54 – col. 13, line 7 & col. 16, line 53 – col. 17, line 40).

23. Referencing claim 43, as closely interpreted by the Examiner, Yemini teaches the inference mechanism selects rules from the rule repository and invokes operations to implement the selected rules until the service achieves a desired condition, (e.g. col.12, line 54 – col. 13, line 7 & col. 16, line 53 – col. 17, line 40).

24. Referencing claim 44, as closely interpreted by the Examiner, Yemini teaches the service parameter represents one or more of the following operational characteristics of the service:

25. availability;

26. reliability;

27. usability;

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28. integrity;

29. security;

30. performance;

31. configuration; and

32. status, (e.g. col. 8, lines 17 – 67).

33. Claims 4, 13 – 17, 18 – 26, 37 – 39, 45 – 53 and 55 – 62 are rejected for similar reasons as stated above.

34. Claims 18, 36 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yemini and Bhoj as applied to claims 13, 27, 35 and 49 above, and in further view of Glitho et al. (6233449) (hereinafter Glitho).

35. As per claim 36, as closely interpreted by the Examiner, Yemini teaches an action being taken when the parameter of the monitored network component crosses a threshold, (e.g. col. 25, lines 9 – 18), but does not specifically teach the use of an agent associated with the monitored network component to generate an alarm. Glitho teaches the use of an agent associated with the monitored network component to generate an alarm, (e.g. col. 7, lines 12 – 45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Glitho with the combine system of Yemini and Bhoj because utilizing an alarm in a system could alert a user about different fault events from a hardware or software device, giving the user a chance to correct any faults in the system.



36. Claims 18 and 54 are rejected for similar reasons as stated above.

***Response to Arguments***

37. Applicant's arguments with respect to claims 4 and 13 – 62 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

38. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

39. a. Goldszmidt et al. U.S. Patent No. 6308216 discloses Service request routing using quality-of-service data and network resource information.

40. b. Fletcher et al. U.S. Patent No. 6321264 discloses Network-performance statistics using end-node computer systems.

41. c. Fletcher et al. U.S. Patent No. 6269401 discloses Integrated computer system and network performance monitoring.

42. d. Azarmi et al. U.S. Patent No. 5905715 discloses Network management system for communications networks.

43. e. Ball et al. U.S. Patent No. 6446200 discloses Service management.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England  
Examiner  
Art Unit 2143

De



William C. Vaughn  
Primary Examiner  
Art Unit 2143  
William C. Vaughn, Jr.